

MAGISTRATE JUDGE CLERK NOTESMagistrate Judge: Charles B. Swartwood, IIIDate: February 26, 2004Courtroom Clerk: BachrachTape Number: 3:32 p.m. Time In Court: 15 min.Case: USA v. WhitmoreCase Number: 04-1683-CBSAUSA: CapinDefense Counsel: WatkinsPTSO/PO: Ryan

Court Reporter:

TYPE OF HEARING☒ **Initial Appearance**☒ Arrested: ☒ on warrant ☐ on probable cause☐ Defendant Sworn☒ Advised of Charges☒ Advised of Rights☐ Requests Appointment of Counsel☒ Will Retain Counsel☐ Court Orders Counsel be Appointed☒ Government Requests Detention & Continuance☐ **Arraignment**☐ Defendant Waived Reading of Indictment☐ Defendant Pleads Not Guilty to Counts _____☐ **Removal Hearing/Rule 40**☐ Defendant Waives Identity Hearing☐ Defendant Ordered Removed to Charging District.

Order to Issue.

☐ Defendant Released, Conditions Remain/ Modified/Set☐ Identity Established☐ **Preliminary Examination (Rule 5 or Rule 32.1)**☐ Probable Cause Found☐ Identity Established☐ Defendant Waives Identity Hearing☐ Defendant Waives Preliminary Examination☐ **Bail Hearing**☐ Bail Revoked, Defendant Ordered Detained☐ Defendant Released, Conditions Remain/Modified☐ Defendant Released on _____ with Conditions☐ **Detention Hearing**☐ Defendant Requests a Continuance☐ Defendants Consent to Voluntary Detention☐ Defendant Detained, Order to Issue☐ Defendant Released on _____ with conditions☐ Detention Taken Under Advisement☐ **Miscellaneous Hearings**☐ Attorney Appointment Hearing☐ Change of Plea (Rule 11) Hearing☐ Material Witness Hearing☐ Motion Hearing☐ Status Conference☐ Other _____☐ **Preliminary Probation Revocation Hearing**☐ Defendant Ordered Detained☐ Defendant Released**CONTINUED PROCEEDINGS**

_____ set for _____ at _____

REMARKSCase called, Counsel and defendants appear for initial appearance. Defendant informs counsel will retain own counsel.Government moves for detention probable cause and detention hearing set for March 5 at 11:00 a.m.